

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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OPERATING ENGINEERS LOCAL #49  
HEALTH AND WELFARE FUND AND  
CENTRAL PENSION FUND OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS AND  
PARTICIPATING EMPLOYERS,  
LOCAL #49 INTERNATIONAL UNION  
OF OPERATING ENGINEERS AND  
ASSOCIATED GENERAL  
CONTRACTORS OF MINNESOTA  
APPRENTICESHIP AND TRAINING  
PROGRAM AND THEIR TRUSTEES,  
Plaintiffs,

Civil No. 09-0242 (JRT/RLE)

**RENEWED ORDER TO SHOW  
CAUSE**

v.

WAGNER EXCAVATING, LLC,  
Defendant.

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Amy Court, Carl Wosmek, and Michael Eldridge, **MCGRANN, SHEA, ANDERSON, CARNIVAL, STRAUGHN & LAMB, CHTD**, 800 Nicollet Mall, Suite 2600, Minneapolis, MN 55402, for plaintiffs.

The above matter came before the District Court upon Plaintiffs' Motion for Order to Show Cause as to why Defendant should not be held in civil contempt for failing to obey the Court's previous Order, dated and filed May 6, 2009. Pursuant to Plaintiffs' Motion, the Court now makes the following Order:

**IT IS HEREBY ORDERED:**

Defendant Wagner Excavating, LLC and David Wagner are hereby ordered to personally appear before this Court on **September 30, 2009 at 2:00 p.m.** at the United States Courthouse, Courtroom 13E, 300 South Fourth Street, Minneapolis, Minnesota to show cause, if any, why a contempt of court Order should not be entered adjudging it in civil contempt of this Court for failing to submit to Plaintiffs records which were reasonably deemed necessary in the performance of Plaintiffs' audit and to show cause why David Wagner should not be ordered to pay a monetary sanction and/or committed to confinement until compliance with the Court's Order of May 6, 2009.

DATED: August 9, 2010  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge